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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MICHAEL LYNN WATERS,

Plaintiff,

v.

A.W. COOK, et al.,

Defendants.

C 07-4683 CRB (PR)

**DEFENDANTS' WAIVER OF
 REPLY AND DEMAND FOR
 JURY TRIAL**

Judge: The Honorable
 Charles R. Breyer

WAIVER OF REPLY

Defendants C. Wilber, F. Jacquez, R. Horel, and J. Robertson waive their right to reply to Plaintiff's complaint, and plan to file a responsive motion within ninety days of the Court's order screening the complaint under 28 U.S.C. § 1915A (Order Partial Dismissal and Service, Jan. 11, 2008). Under the Prison Litigation Reform Act, a defendant in a prisoner suit may waive the right to reply without admitting the complaint's allegations. 42 U.S.C. § 1997(e)(g). The court may not grant the plaintiff any relief unless a reply has been filed. *Id.* And the court may order a defendant to file a reply only "if it finds that the plaintiff has a reasonable

opportunity to prevail on the merits.” *Id.*

DEMAND FOR JURY TRIAL

Defendants Hatton, Billings, Rodriguez, Baker, Mata, Picazo, Moore, Mendoza, and Rocha demand a trial by jury in this case.

Dated: March 12, 2008

Respectfully submitted,

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SE2008400642

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Waters v. Cook, et al.,**

No.: **C 07-4683 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **March 12, 2008**, I served the attached

DEFENDANTS' WAIVER OF REPLY AND DEMAND FOR JURY TRIAL

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Michael Lynn Waters, P-16171
Pelican Bay State Prison
A-1-208
P. O. Box 7500
Crescent City, CA 95532
*In Pro Per***

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **March 12, 2008**, at San Francisco, California.

T. Oakes

Declarant


Signature